

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 05-20 Erie
)
DAVID C. GRAHAM)

**MOTION TO EXTEND THE TIME FOR THE
FILING OF PRETRIAL MOTIONS**

AND NOW, comes the defendant, DAVID C. GRAHAM, by his attorney, Thomas W. Patton, Assistant Federal Public Defender, and respectfully moves this Honorable Court for an Extension of Time to File Pretrial Motions, and in support thereof sets forth as follows:

1. The defendant, David C. Graham, has been charged in a two-count indictment with violations of Title 18, U.S.C. §§ 2252(a)(2) and 2252(a)(4)(B); receipt of and possession of material depicting the sexual exploitation of a minor and receipt of obscene material.

2. Pursuant to an Order of Court dated August 12, 2005, certain types of pretrial motions are due on September 12, 2005.

3. Additional time is needed to complete counsel's investigation of the facts and law before informed decisions can be made concerning the filing of pretrial motions. Specifically, currently pending before the court is a Motion to Compel Discovery wherein counsel requests a mirror image of the computer hard drive for review by an expert, as well as a request for a hearing.

4. The government filed a response on August 24, 2005, and the parties are now awaiting a hearing date.

5. Counsel is unable to adequately prepare pretrial motions until this issue is resolved.

6. Accordingly, counsel requests an additional sixty (60) within which to file pretrial motions.

WHEREFORE, defendant, David C. Graham, respectfully requests an extension of sixty (60) days to file pretrial motions.

Respectfully submitted,

/s/ Thomas W. Patton
Thomas W. Patton
Assistant Federal Public Defender
PA ID #88653